

CHANGES IN JAPAN'S LEGAL SYSTEM

Japan introduced new legal procedures in October 2006. Please be aware of the following major changes:

COURT-APPOINTED ATTORNEYS (Government paid attorneys)

Until September 2006, a suspect was not entitled to a court-appointed attorney prior to his or her indictment. Effective October 2006, a court-appointed attorney is available in pre-indictment period (before you are indicted), provided that you meet the following conditions:

- a) A detention order has been requested/issued.
- b) You do not have more than 500,000 yen (approx. \$4200) to hire a private attorney. If you have more than 500,000 yen, the request for a private attorney can be sent to an appropriate bar association by the court. You do not have to provide any proof regarding your lack of financial resources. However, if the court finds out later that you were actually able to pay for a private attorney, there will be a fine, or the fee for the lawyer will be charged to you.
- c) The offense for which you are charged has to be punishable for imprisonment for more than one year. Those offenses include robbery, rape, possession of drugs (excluding marijuana) for proceeds, importation of drugs (excluding marijuana). This one year requirement will be changed to three years in May 2009.

If you are interested in a court-appointed attorney, please advise the police, the prosecutor or the judge.

NOTE: If you do not meet the above requirements, you can request for an attorney on duty (Toban Bengoshi), who can visit you once free of charge. Simply ask the police to contact the "Toban Bengoshi" for you.

SPEEDY TRIAL

Also implemented is a speedy trial system for a first time offender charged with a misdemeanor for which the sentence will be suspended. Provided that you plead guilty, and both the prosecutor and you consent to this proceedings, a trial should be held in two weeks of the date of the indictment. The trial and the sentencing will be completed in one day.